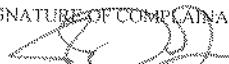


United States District Court		DISTRICT Eastern District of Pennsylvania
UNITED STATES OF AMERICA v. AURELIO MURILLO		DOCKET NO. MAGISTRATE'S CASE NO.
<i>10-1173</i>		
Complaint for violation of Title 18 United States Code § 115(a)(1)		
NAME OF JUDGE OR MAGISTRATE Honorable DAVID R. STRAWBRIDGE		OFFICIAL TITLE U.S. Magistrate Judge
LOCATION Philadelphia, PA		
DATE OF OFFENSE July 30, 2010	PLACE OF OFFENSE Philadelphia, PA	ADDRESS OF ACCUSED (if known)
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:		
<u>Count One</u>		
On or about July 30, 2010, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant AURELIO MURILLO threatened to assault and murder the Honorable Gene E. K. Pratter, United States District Court Judge, with intent to impede, intimidate, interfere with the Honorable Gene E.K. Pratter while she was engaged in and on account of the performance of her official duties, in violation of Title 18, United States Code, Section 115(a)(1).		
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:		
SEE AFFIDAVIT ATTACHED HERETO.		
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:		
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT (official title)  John D. Sermons	
OFFICIAL TITLE Special Agent, Federal Bureau of Investigation		
Sworn to before me and subscribed in my presence.		
SIGNATURE OF MAGISTRATE 	DATE <i>7-31-10</i>	
Honorable DAVID R. STRAWBRIDGE, United States Magistrate Judge		

AFFIDAVIT

I, John D. Sermons, being duly sworn, do hereby depose and say that:

1. I am a Special Agent with the Federal Bureau of Investigation in Philadelphia, Pennsylvania and have been so employed since January 3, 2010. Prior to becoming a Special Agent of the FBI, I was a servicemember in the United States Navy with almost five years of service in the submarine force. I am presently assigned to the FBI Violent Crimes Fugitive Task Force (VCFTF) of the Philadelphia office, which investigates, among other violations of federal law, Hobbs Act violations such as armed robberies of check cashing stores, armored carriers, bank robberies, assaults of federal officers, threats against federal officers, fugitives, and convicted felons in possession of firearms. The information set forth in this affidavit is based on interviews of law enforcement personnel, witnesses and victims. Through FBI investigation, and the information provided to the FBI by the U.S. Marshals Service, I have learned the following facts:

2. On July 30, 2010, at approximately 3:30 p.m., an adult male called the chambers of United States District Court Judge Gene E.K. Pratter of the Eastern District of Pennsylvania in Philadelphia, Pennsylvania and spoke with a member of Judge Pratter's staff. The male caller identified himself as "Murillo" to the staff member and asked the staff member about the status of his lawsuit. The staff member advised the caller that she could not comment on the lawsuit other than to say it had been dismissed on July 26, 2010. After the staff member informed the caller of this information, the caller told the staff member that he was going to "put a bullet in the head" of Judge Pratter and "her child." The caller then terminated the conversation and hung up the telephone.

3. Investigation revealed that the telephone number that the male caller telephoned from was a cellular telephone number registered under the name of Aurelio Murillo in Cliffside Park, New Jersey. Further investigation revealed that Murillo was a co-plaintiff in a lawsuit that was removed to United States District Court for the Eastern District of Pennsylvania on August 18, 2008 under Civil Action number 08-CV-3933.

4. The Honorable Gene E.K. Pratter had issued an order dismissing the action with prejudice on January 13, 2009. On July 21, 2010, Aurelio Murillo and his wife, Jazmine Murillo filed a motion "to reinstate the above stated case based on fraud and hearing requested" under the same civil action number. On July 26, 2010, Judge Pratter issued an order denying the motion to reinstate as untimely and frivolous.

Based on the above facts, your affiant believes there is probable cause to conclude that AURELIO MURILLO, threatened to assault and kill United States District Judge Gene E.K. Pratter, in violation of Title 18, United States Code, Section 115(a)(1)(B).



John D. Sermons
Special Agent
Federal Bureau of Investigation

Sworn before me this
31st day of July, 2010



HONORABLE DAVID R. STRAWBRIDGE
United States Magistrate Judge